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Attorneys for Defendants:
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Attorneys for Defendants, COUNTY OF SAN BERNARDINO,
ROBERT VACCARI and JAKE ADAMS

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

JONATHAN WAYNE BOTTON, SR.;
TANJA DUDEK-BOTTEN;
ANNABELLE BOTTON; and J.B., a
minor by and through his guardian
JONATHAN WAYNE BOTTON, SR.,

CASE NO. 5:23-cv-00257-KK-(SHKx)

*Assigned for All Purposes to:
Hon. Kenly Kiya Kato—Courtroom #3*

Plaintiffs,

vs.

STATE OF CALIFORNIA; COUNTY OF SAN BERNARDINO; ISAIAH KEE; MICHAEL BLACKWOOD; BERNARDO RUBALCAVA; ROBERT VACCARI; JAKE ADAMS; and DOES 1-10 inclusive,

**STIPULATION TO DISMISS
PLAINTIFFS' FIRST CLAIM FOR
EXCESSIVE FORCE 42 U.S.C. §
1983, SECOND CLAIM FOR
SUBSTANTIVE DUE PROCESS 42
U.S.C. § 1983, THIRD CLAIM FOR
BATTERY, AND SIXTH CLAIM
FOR CAL. CIV. CODE § 52.1
AGAINST COUNTY DEFENDANTS**

Trial: July 28, 2025

Complaint filed: 02/16/23
FAC filed: 06/08/23

Defendants.

1 **STIPULATION**

2 WHEREAS, Plaintiffs, JONATHAN WAYNE BOTTEN, SR.; TANJA
3 DUDEK-BOTTEN; ANNABELLE BOTTEN; and J.B., a minor by and through his
4 guardian JONATHAN WAYNE BOTTEN, SR. (“Plaintiffs”), initiated the above-
5 captioned action against Defendants COUNTY OF SAN BERNARDINO, ROBERT
6 VACCARI, and JAKE ADAMS (“County Defendants”) on or about February 16,
7 2023;

8 WHEREAS, Plaintiffs filed their First Amended Complaint, the operative
9 Complaint on June 8, 2023 (Dkt. 27);

10 WHEREAS, County Defendants sent a meet and confer letter to Plaintiffs on
11 January 16, 2025. The parties then engaged in a telephonic meet and confer
12 conference on January 22, 2025 and continued meeting and conferring by email until
13 January 27, 2025. On January 27, 2025, Plaintiffs agreed to dismiss Plaintiffs’ First
14 Claim under the Fourth Amendment for Excessive Force pursuant to 42 U.S.C. §
15 1983, Second Claim for Substantive Due Process pursuant to 42 U.S.C. § 1983, Third
16 Claim for Battery, and Sixth Claim for Violation of Cal. Civ. Code § 52.1 against the
17 County of San Bernardino, Robert Vaccari, and Jake Adams.

18 The parties hereto, by and through their respective counsel, hereby stipulate
19 and agree as follows:

20 1. Plaintiffs’ First Claim for Fourth Amendment – Excessive Force (42 U.S.C.
21 § 1983 is dismissed against to the County of San Bernardino, Robert Vaccari, and
22 Jake Adams with prejudice.

23 2. Plaintiffs’ Second Claim for Substantive Due Process pursuant to 42 U.S.C.
24 § 1983 is dismissed against the County of San Bernardino, Robert Vaccari, and Jake
25 Adams with prejudice.

26 3. Plaintiffs’ Third Claim for Battery is dismissed against the County of San
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1 Bernardino, Robert Vaccari, and Jake Adams with prejudice.

2 4. Plaintiffs' Sixth Claim for Violation of Cal. Civ. Code § 52.1 is dismissed
3 against the County of San Bernardino, Robert Vaccari, and Jake Adams with
4 prejudice.

5 5. While this case has been consolidated for the limited purposes of
6 discovery with *L.C., et al. v. State of California, et al.*, case no. 5:22-cv-00949-KK-
7 SHK, the parties agree that this stipulation only applies to the above-entitled action,
8 *Botten, et al. v. State of California, et al.*, case no. 5:23-cv-00257-KK-SHK.

9 6. Each party shall bear their own costs and fees as to these claims.

10 DATED: January 28, 2025

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14 By: /s/ Anita K. Clarke
15 Shannon L. Gustafson
16 Amy R. Margolies
17 Anita K. Clarke
18 Attorneys for Defendants, COUNTY OF
19 SAN BERNARDINO, ROBERT
20 VACCARI and JAKE ADAMS

21 DATED: January 28, 2025

LAW OFFICES OF DALE K. GALIPO

22 By: /s/ Hang D. Le
23 Dale K. Galipo
24 Hang D. Le
25 Attorneys for Plaintiffs JONATHAN
26 WAYNE BOTTEN, SR.; TANJA
27 DUDEK-BOTTEN; ANNABELLE
28 BOTTEN; and J.B., a minor by and
 through his guardian JONATHAN
 WAYNE BOTTEN, SR.

1 Pursuant to Local Rule 5-4.3.4, I attest that all other signatories listed, and on
2 whose behalf the filing is submitted, concur in the filing's content, and have
3 authorized the filing.

4
5 DATED: January 28, 2025

LYNBERG & WATKINS
A Professional Corporation

6
7 By: /s/ Anita K. Clarke
8 Shannon L. Gustafson
9 Amy R. Margolies
10 Anita K. Clarke
11 Attorneys for Defendants, COUNTY OF
12 SAN BERNARDINO, ROBERT
13 VACCARI and JAKE ADAMS
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STIPULATION TO DISMISS PLAINTIFFS' FIRST CLAIM FOR EXCESSIVE FORCE
42 U.S.C. § 1983, SECOND CLAIM FOR SUBSTANTIVE DUE PROCESS 42 U.S.C. §
1983, THIRD CLAIM FOR BATTERY, AND SIXTH CLAIM FOR CAL. CIV. CODE §
52.1 AGAINST COUNTY DEFENDANTS